

NATIONAL INDIAN GAMING COMMISSION (NIGC)

Statement of Regulatory Priorities

In 1988, Congress adopted the Indian Gaming Regulatory Act (IGRA) (Pub L. 100-497, 102 Stat. 2475) with a primary purpose of providing “a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.” IGRA established the National Indian Gaming Commission (NIGC or the Commission) to protect such gaming, amongst other things, as a means of generating tribal revenue for strengthening tribal governance and tribal communities.

At its core, Indian gaming is a function of sovereignty exercised by tribal governments. In addition, the Federal government maintains a government-to-government relationship with the tribes—a responsibility of the NIGC. Thus, while the Agency is committed to strong regulation of Indian gaming, the Commission is equally committed to strengthening government-to-government relations by engaging in meaningful consultation with tribes to fulfill IGRA’s intent. The NIGC’s vision is to adhere to principles of good government, including transparency to promote agency accountability and fiscal responsibility, to operate consistently to ensure fairness and clarity in the administration of IGRA, and to respect the responsibilities of each sovereign in order to fully promote tribal economic development, self-sufficiency, a strong workforce, and strong tribal governments.

Retrospective Review of Existing Regulations

As an independent regulatory agency, the NIGC has been performing a retrospective review of its existing regulations. The NIGC recognizes the importance of Executive Order 13563, issued on January 18, 2011, and its regulatory review is being conducted in the spirit of Executive Order 13563, to identify those regulations that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with input from the public. In addition, as required by Executive Order 13175, issued on November 6, 2000, the Commission has been conducting government-to-government consultations with tribes regarding each regulation’s relevancy, consistency in application, and limitations or barriers to implementation, based on the tribes’ experiences. The consultation process is also intended to result in the identification of areas for improvement and needed amendments, if any, new regulations, and the possible repeal of outdated regulations.

The following Regulatory Identifier Numbers (RINs) have been identified as associated with the review:

RIN	TITLE
3141-AA32	Definitions
3141-AA70	Class II Minimum Internal Control Standards
3141-AA58	Management Contracts
3141-AA69	Class II Minimum Technical Standards
3141-AA71	Background and Licensing
3141-AA68	Audit Regulations
3141-AA72	Self-Regulation of Gaming Activities
3141-AA73	Gaming Ordinance Submission Requirements
3141-AA74	Substantial Violations List
3141-AA75	Appeals to Commission
3141-AA76	Facility License Notifications and Submissions
3141-AA77	Fees
3141-AA79	Suspensions of Gaming Licenses for Key Employees and Primary Management Officials
3141-AA80	Fee Rate Assessment, Reporting, and Calculation Guidelines for Self Regulated Tribes
3141-AA81	Orders of Temporary Closure

More specifically, the NIGC is currently considering promulgating new regulations in the following areas: (i) amendments to its regulatory definitions to conform to the newly-promulgated rules; (ii) updates or revisions to its management contract regulations to address the current state of the industry; (iii) updates or revisions to the existing audit regulations to reduce cost burdens for small or charitable gaming operations; (iv) the review and revision of the minimum technical standards for Class II gaming; (v) the review and revision of the minimum internal control standards (MICS) for Class II gaming; (vi) background and licensing; (vii) self-regulation of Class II gaming activities; (viii) gaming ordinance submission requirements; (ix) substantial violations; (x) appeals to the Commission; (xi) facility license notification and submission; (xii) fees; (xiii) updating its regulations concerning suspension of licenses issued to Key Employees and Primary Management Officials who the NIGC determines are not eligible for employment; (xiv) amending its regulations concerning fee rate assessment, carry over status reporting process, budget commitments for maintaining transition funds, and fee rate calculation guidelines for self-regulated tribes; (xv) amending a substantial violations identified in its regulations to provide that closure for a tribe's failure to construct and operate its gaming operation in a manner that adequately protects the environment, public health, and safety includes issues related to cyber-security

NIGC is committed to staying up-to-date on developments in the gaming industry, including best practices and emerging technologies. Further, the Commission aims to continue reviewing its regulations to determine whether they are overly burdensome to tribes and industry stakeholders, including smaller or rural operations. The NIGC anticipates that the ongoing consultations with tribes will continue to play an important role in the development of the NIGC's rulemaking efforts.